

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

EUGENE HUMBERT,

Petitioner,

v

WILLIE SMITH,

Respondent.

Case No. 1:10-cv-263

HON. JANET T. NEFF

**FINAL ORDER**

In accordance with the Opinion entered this date:

**IT IS HEREBY ORDERED** that the Objections (Dkt 101) are DENIED and the Report and Recommendation of the Magistrate Judge (Dkt 94) is APPROVED and ADOPTED as the Opinion of the Court.

**IT IS FURTHER ORDERED** that the petition for habeas corpus relief (Dkt 1) is DENIED for the reasons stated in the Report and Recommendation.

**IT IS FURTHER ORDERED** that a certificate of appealability pursuant to 28 U.S.C. § 2253(c) is GRANTED as to the issue of whether Petitioner was denied his right to appellate counsel.

Date: September 5, 2013

/s/ Janet T. Neff  
JANET T. NEFF  
United States District Judge